IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition No.24l of 2005

Dr M S Ghawte .. petitioner

vs

The Commissinoer BMC Mumbai and ors. respdts

Petitioner in person present

Mr. A.Y Sakhare with Mr Bhor for BMC

CORAM; A.M.KHANWILKAR J.

DATED 24.2.2006

P.C.

l. Heard the petitioner who is appearing in person and the learned counsel for the Corporation.

2. The grievance in the petition, as I can discern from the petition as filed before this court, is essentially regarding the breach of direction contained in the order passed by the Division Bench of this court on l3.2.2004. My understanding of this order is that two directions have been given to the respondent Corporation. In para 4, petitioner was granted liberty to file departmental appeal against the order of dismissal and if such an appeal was to be filed, same was to be decided

on merits and not to be rejected on the ground of limitation. The second direction was to the effect that the petitioner was granted liberty to file representation so as to consider his request to sanction leave and unpaid wages for various days and such representation was to be considered by the authority in accordance with law. According to the Corporation, as stated in the affidavit, the appeal preferred by the petitioner in terms of the directions in para 4,has been allowed in favour of the petitioner. However, subsequently action has been taken against the petitioner in an independent proceeding. That however, cannot be the subject matter of the present petition. The petitioner will have to challenge the appropriateness of the subsequently initiated proceedings on its own merits before appropriate forum.

3. In so far as the directions contained in para 5 is concerned to decide the representation regarding sanction of leave and unpaid wages, that has been considered and decided by common order by the authority while deciding the appeal. If the petitioner is not satisfied with that order it is open to the petitioner to carry the matter further. By no standard it is possible to comprehend that the respondent Corporation has committed any

contempt of wilful disobedience of the directions of this court. Petition is dismissed with costs quantified at Rs.2000 to be paid to the High Court Legal Services Authority by the petitioner for filing such frivolous petition, within two weeks from today.